REMARKS

Upon entry of this response, claims 62-66, 68-70, 73-78, 81-88, 91-99, 135, and 136 are pending. Claim 98 is rejected under § 112, second paragraph, as being indefinite. Claims 62, 63, 66, 69, 70, 73, 74, 78, 81, 82, 85-87, 91, 92, 95, 96, 98, 99, 135, and 136 are rejected under § 103(a) in view of U.S. 6,808,894 and Borreback *et al.* (Adv. Drug Dev. Rev., 1988, vol. 2, pp. 143-165). Claims 62, 63, 66, 69, 70, 73, 74, 78, 81, 82, 85-87, 91, 92, 95, 96, 98, 99, 135, and 136 are also rejected under the judicially created doctrine of nonstatutory obviousness-type double patenting based on U.S. 6,808,894 in view of Borreback *et al.*, and Yelton *et al.* (J. Immunology, 1995, vol. 155, pp. 1994-2004). Claims 64, 65, 68, 75-77, 83, 84, 88, 93, 94, 97, and 139-150 have been deemed allowable. No claims are amended nor is any new matter entered with this response.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claim 98 stands rejected under § 112, second paragraph, due to the examiner's allegation that it incorporates a limitation that is already required for claim 91. The applicant's disagree and believe that the examiner has mischaracterized the limitations of claims 91 and 98. Claim 91(d) requires "removing said chemical inhibitor of mismatch repair from said *hypermutated hybridoma cells*, thereby stabilizing the genome of said *hypermutated hybridoma cells*" (emphasis added). Conversely, claim 98 requires "removing said chemical inhibitor of mismatch repair from said *hypermutated mammalian expression cells*, thereby stabilizing the genome of said *hypermutated mammalian expression cells*" (emphasis added). Therefore, the language, while similar, actually refers to different groups of cells, thereby imparting two different limitations. Given this distinction, Applicants request that the rejection of claim 98 be withdrawn.

Rejection under 35 U.S.C. § 103(a)

Claims 62, 63, 66, 69, 70, 73, 74, 78, 81, 82, 85-87, 91, 92, 95, 96, 98, 99, 135, and 136 are rejected under § 103(a) in view of U.S. 6,808,894 and Borreback *et al.* Applicants submit that U.S. 6,808,894 cannot be cited as prior art in this instance, under § 103(c), since it and the present application are owned by the same corporate entity (see reel/frame:

011690/0696 and reel/frame: 015301/0172, respectively). Therefore, applicants request that the present rejection be withdrawn.

Rejection under the Judicially Created Doctrine of Nonstatutory Obviousness-Type Double Patenting

Applicants neither agree with nor dispute the examiner's allegations regarding obviousness-type double patenting based on U.S. 6,808,894 in view of Borreback *et al.*, and Yelton *et al.*; however, for the sole purpose of advancing prosecution, the applicants provide herein a terminal disclaimer to obviate this rejection.

Conclusion

Applicants believe that the foregoing constitutes a full and complete response to the Office Action of record. An early and favorable action on the merits is respectfully requested.

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